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**FACSIMILE COVER SHEET**

<b>TO:</b>	United States Patent and Trademark Office Attention: Examiner Fortuna Group Unit No. 1723	<b>NUMBER OF PAGES (INCLUDING THIS TRANSMITTAL SHEET):</b>	<b>7</b>
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**FAX:** 1-703-872-9310(9311) **PHONE:****DATE:** February 24, 2003**FROM:** Andrew G. Kolomayets

**REFERENCE:** Attorney Docket No.: F-5366  
Serial No.: 09/111,915 - Filed: July 8, 1998  
Title: Composite Membrane with particulate Matter Substantially  
Immobilized Therein

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**MESSAGE:** Dear Examiner Fortuna:

Please advise us of the status of U.S. Patent Application No. 09/111,915. Attached for your reference is a copy of the Notice of Appeal filed on January 31, 2002, with a copy of the return postcard, indicating receipt on January 31. Also enclosed is a copy of the transmittal letter, the first page of the Appeal Brief and a copy of the Post Office receipt indicating a mailing date of July 1, 2002.

We look forward to hearing from you.

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PTO/SB/31 (02-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

F-5366

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D.C. 20231" on January 31, 2002.

Signature [Signature]  
 Typed or printed name Yue X. Ren

In re Application of

Daniel R. Boggs, et al.

Application Number

09/111,915

Filed

July 8, 1998

For

COMPOSITE MEMBRANE WITH PARTICULATE MATTER SUBSTANTIALLY IMMOBILIZED THEREIN

Group Art Unit

1723

Examiner

Richard W. Ward

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 320.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50/1039. I have enclosed a duplicate copy of this sheet.
- ☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
 See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record.
- ☐ attorney or agent acting under 37 CFR 1.34(a).  
 Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

Signature

Andrew G. Kolomayets

Typed or printed name

January 31, 2002

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## ENCLOSURES:

- ( ) Application \_\_\_\_\_  
( ) Specification \_\_\_\_\_ pages  
( ) Claims \_\_\_\_\_ pages  
( ) Abstract \_\_\_\_\_ page(s)  
( ) Drawing Sheets no. \_\_\_\_\_ (F) \_\_\_\_\_ (INF) \_\_\_\_\_  
( ) Transmittal Letter \_\_\_\_\_  
(X) Check \$ 1,240.00 No: 8233  
( ) Declaration/Oath \_\_\_\_\_  
( ) Assignment and Cover Sheet \_\_\_\_\_  
( ) Information Disclosure Statement \_\_\_\_\_  
( ) Response/Amendment \_\_\_\_\_  
(X) Extension of Time (In Duplicate) (3 MONTH)  
( ) Small Entity Status \_\_\_\_\_  
( ) Copy of Priority Document \_\_\_\_\_  
(X) NOTICE OF APPEAL (PTO/PA/31)  
(X) FEE TRANSMITTAL (IN DUPLICATE)

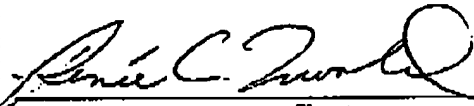
RE: APPLICATION

ATTY/SEC: AGK/CABFile no: F-5366Applicant: DANIEL R. BOGGS, et al. (BOGGS, et al.)S.N.: 09/111,915 Filing Date: JULY 8, 1998

Title: COMPOSITE MEMBRANE WITH PARTICULATE  
MATTER SUBSTANTIALLY IMMOBILIZED THEREIN

Due date: 01/31/2002 Date Sent: 01/31/2002

<b>COMBINED TRANSMITTAL OF APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES &amp; PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity) *</b>			<b>Docket No.</b> F-5366						
In Re Application Of: <b>Daniel R. Boggs, et al.</b>									
Serial No. <b>09/111,915</b>	Filing Date <b>07/08/1998</b>	Examiner <b>Richard W. Ward</b>	Group Art Unit <b>1723</b>						
Invention: <b>COMPOSITE MEMBRANE WITH PARTICULATE MATTER SUBSTANTIALLY IMMOBILIZED THEREIN</b>									
<u><b>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</b></u>									
This is a combined Transmittal of Appeal Brief to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing an Appeal Brief.									
Applicant(s) hereby request(s) an extension of time of (check desired time period): <div style="display: flex; justify-content: space-between; align-items: flex-start;"><div><input type="checkbox"/> One month</div><div><input type="checkbox"/> Two months</div><div><input checked="" type="checkbox"/> Three months</div><div><input type="checkbox"/> Four months</div><div><input type="checkbox"/> Five months</div></div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"><div>from: <u>03/31/02</u> <small>Date</small></div><div>until: <u>06/30/02</u> <small>Date</small></div></div>									
The fee for the Appeal Brief and Extension of Time has been calculated as shown below: <table style="margin-left: auto; margin-right: auto; border: none;"><tr><td style="text-align: right;">Fee for Appeal Brief:</td><td style="text-align: right; border-bottom: 1px solid black;">\$320.00</td></tr><tr><td style="text-align: right;">Fee for Extension of Time:</td><td style="text-align: right; border-bottom: 1px solid black;">\$920.00</td></tr><tr><td style="text-align: right;"><b>TOTAL FEE FOR APPEAL BRIEF AND EXTENSION OF TIME:</b></td><td style="text-align: right; border-bottom: 1px solid black;"><b>\$1,240.00</b></td></tr></table>				Fee for Appeal Brief:	\$320.00	Fee for Extension of Time:	\$920.00	<b>TOTAL FEE FOR APPEAL BRIEF AND EXTENSION OF TIME:</b>	<b>\$1,240.00</b>
Fee for Appeal Brief:	\$320.00								
Fee for Extension of Time:	\$920.00								
<b>TOTAL FEE FOR APPEAL BRIEF AND EXTENSION OF TIME:</b>	<b>\$1,240.00</b>								
The fee for the Appeal Brief and extension of time is to be paid as follows: <div style="margin-top: 10px;"><input checked="" type="checkbox"/> A check in the amount of <b>\$1,240.00</b> for the Appeal Brief and extension of time is enclosed.</div> <div style="margin-top: 10px;"><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed.</div> <div style="margin-top: 10px;"><input type="checkbox"/> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. _____ A duplicate copy of this sheet is enclosed.<div style="margin-left: 20px;"><input type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</div></div> <div style="margin-top: 10px;"><input type="checkbox"/> If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. _____ A duplicate copy of this sheet is enclosed.</div> <div style="margin-top: 10px;">* and Amendment Under 37 CFR 1.116 filed concurrently herewith.</div>									

<b>COMBINED TRANSMITTAL OF APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES &amp; PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)</b>			Docket No. <b>F-5366</b>
In Re Application Of: <b>Daniel R. Boggs, et al.</b>			
Serial No. <b>09/111,915</b>	Filing Date <b>07/08/1998</b>	Examiner <b>Richard W. Ward</b>	Group Art Unit <b>1723</b>
Invention: <b>COMPOSITE MEMBRANE WITH PARTICULATE MATTER SUBSTANTIALLY IMMOBILIZED THEREIN</b>			
<p style="text-align: center;"><u><b>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</b></u></p> <p>This combined Transmittal of Appeal Brief to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"><div style="width: 40%;"> <i>Signature</i> <b>Renée C. Lewald, Registration No. 48,356</b> <b>COOK, ALEX, MC FARRON, MANZO, CUMMINGS &amp; MEHLER, LTD.</b> <b>200 West Adams Street - Suite 2850</b> <b>Chicago, IL 60606</b> <b>(312) 236-8500</b></div><div style="width: 50%;"><p>Dated: <u>July 1, 2002</u></p></div></div>			
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<p>*This certificate may only be used if paying by deposit account.</p>			
CC:			

PATENT  
Attorney Docket No. F-5366

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Daniel R. Boggs, et al.

Serial No.: 09/111,915

Filed: July 8, 1998

CPA Filed: September 14, 2000

Examiner: Richard W. Ward

Art Unit: 1723

For: COMPOSITE MEMBRANE WITH  
PARTICULATE MATTER  
SUBSTANTIALLY IMMOBILIZED  
THEREIN

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Date of Deposit July 1, 2002

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NAME Renée C. Lewald

SIGNATURE *Renée C. Lewald*

Commissioner for Patents  
Washington, D.C. 20231

APPEAL BRIEF

Dear Sir:

(1) REAL PARTY IN INTEREST

The real party in interest in this appeal is Baxter International Inc., assignee of the invention claimed in the present application, which assignment was recorded in the United States Patent and Trademark Office on or around February 5, 1999.

(2) RELATED APPEALS AND INTERFERENCES

None.

(3) STATUS OF CLAIMS

Claims 1-45 are cancelled. Applicants are appealing the rejection of pending claims 46-66.

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